

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

FRANKLYN AJAYA

Plaintiff(s)

AIR NEW ZELAND, LTD

v.

Defendant(s)

CASE NUMBER:

CV075911JSW

PROOF OF SERVICE
SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action a **I served** copies of the (*specify documents*):
SUMMONS IN A CIVIL CASE; CLASS ACTION COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; CIVIL STANDING ORDER; CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; ECF REGISTRATION INFORMATION HANDOUT;
2. **Person served:**
 - a. ☐ Defendant (*name*): **OSAMU MACHIDA as Registered Agent for ALL NIPPON AIRWAYS CO., LTD.**
 - b. ☒ Other (*specify name and title or relationship to the party/business named*):
Sumako Totten RECEPTIONIST, An Asian female approx. 45-55 years of age 5'0"-5'2" in height weighing 100-120 lbs with brown hair and glasses
 - c. ☒ Address where papers were served: **2050 W 190TH ST SUITE 100 TORRANCE, CA 90504**
3. **Manner of Service** in compliance with (*the appropriate box must be checked*):
 - a. ☒ Federal Rules of Civil Procedure
 - b. ☐ California Code of Civil Procedure
4. **I served** the person named in Item 2:
 - a. ☐ By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and the minor if at least twelve (12) years of age.
 1. **Papers were served on** (*date*): _____ **at** (*time*): _____
 - b. ☒ By **Substituted service**. By leaving copies:
 1. ☐ (**home**) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. ☐ (**business**) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. ☒ **Papers were served on** (*date*): **Dec 3 2007** **at** (*time*): **11:47:00 AM**
 4. ☐ **by mailing** (*by first-class mail, postage prepaid*) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. ☐ **papers were mailed on** (*date*): _____
 6. ☐ **due diligence**. I made at least (3) attempts to personally serve the defendant.



- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h))(C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid,*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): _____ at (time): _____
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washing, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

Guillermo Verjan

241 S. FIGUEROA STREET, SUITE 370, LOS ANGELES, CA 90012

213-621-9999

4109 Los Angeles

a. Fee for service: \$ **0.00**

b. ☐ Not a registered California process server

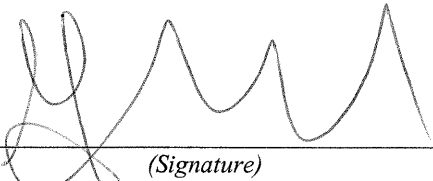
c. ☐ Exempt from registration under B&P 22350(b)

d. ☒ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: **Dec 14 2007**


(Signature)



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11 *Counsel for Plaintiffs and the Class*
12

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**
15

16 FRANKLYN AJAYE, MING-CHUN WU
CHEN, TZU-CHIAO CHEN, RAYNA
17 RUSENKO, TITI TRAN, BORIS
ZINGERMAN, and GALINA
18 ZINGERMAN, on behalf of themselves
and all others similarly situated,

19 Plaintiffs,
20

21 vs.

22 AIR NEW ZEALAND, LTD., ALL
NIPPON AIRWAYS CO., LTD., CHINA
23 AIRLINES, LTD., EVA AIRWAYS
CORPORATION, JAPAN AIRLINES
CORPORATION, NORTHWEST
24 AIRLINES CORPORATION, QANTAS
AIRWAYS, LTD., SINGAPORE
25 AIRLINES, LTD., and THAI AIRWAYS
INTERNATIONAL PUBLIC COMPANY,
26 LTD.,

27 Defendants.
28

Case No. C07-5911 JSW

PROOF OF SERVICE BY U.S. MAIL

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. My business address is 44 Montgomery Street, Suite 1200, San Francisco, California 94104. I am over the age of eighteen years and am not a party to the within action;

On December 20, 2007, I served the following documents:


1. **CLASS ACTION COMPLAINT FOR DAMAGES**
2. **SUMMONS IN A CIVIL CASE**
3. **ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES**
5. **CIVIL STANDING ORDER**
6. **CONTENTS OF JOINT CASE MANAGEMENT STATEMENT**
7. **ECF REGISTRATION INFORMATION HANDOUT**
8. **PROOF OF SERVICE OF SUMMONS AND COMPLAINT**
9. **PROOF OF SERVICE OF SUMMONS BY U.S. MAIL**

X **BY MAIL:** I am readily familiar with this firm's practice for collection and process of correspondence for mailing. Following that practice, I deposited a true and correct copy of each document listed above, in a in a sealed and addressed envelope, postage prepaid, with the United States Postal Service on the same day in the ordinary course of business on the following addressee:

Osamu Machida
As Registered Agent for All Nippon Airways Co., Ltd.
2050 W. 190th Street, Suite 100
Torrance, CA 90504

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 20, 2007, at San Francisco, California.


Madelyn Morton